

Appendix B: Chart Summarizing Certain Labcorp Arguments Regarding Intrusion Upon Seclusion (Count IV)

Labcorp's Memorandum of Law in support of its Motion to Dismiss fully sets forth Labcorp's arguments for dismissal of Plaintiffs' intrusion upon seclusion claim. For the court's convenience, the chart below organizes those arguments and relevant citations. Plaintiffs' claim also fails for additional reasons not captured below.

State	No Common Law Intrusion Upon Seclusion Cause of Action	Intrusion Upon Seclusion Requires Intentionality	Intrusion Upon Seclusion Must Be Highly Offensive
Arkansas <u>Plaintiff:</u> Palmer	N/A	Yes. <i>Dillard v. City of Springdale</i> , Arkansas, 2022 WL 403287, at *6 (W.D. Ark. Feb. 9, 2022).	Yes. <i>Dillard v. City of Springdale</i> , Arkansas, 2022 WL 403287, at *6 (W.D. Ark. Feb. 9, 2022).
California <u>Plaintiffs:</u> Lassiter Nazemnikov	N/A	Yes. <i>Smith v. Cap. One Fin. Corp.</i> , 2012 WL 1669347, at *3 (N.D. Cal. May 11, 2012).	Yes. <i>Smith v. Cap. One Fin. Corp.</i> , 2012 WL 1669347, at *3 (N.D. Cal. May 11, 2012).
Florida <u>Plaintiffs:</u> Buhr Laufenberg	N/A	Yes. <i>Purrelli v. State Farm Fire & Cas. Co.</i> , 698 So. 2d 618, 620 (Fla. Dist. Ct. App. 1997).	Yes. <i>Malverty v. Equifax Info. Servs., LLC</i> , 407 F. Supp. 3d 1257, 1267 (M.D. Fla. 2019)
Georgia <u>Plaintiffs:</u> Haley Nelson-Carter Scott	N/A	Yes. <i>Sauls v. Hobby</i> , 2020 WL 2763380, at *3 (M.D. Ga. Mar. 18, 2020).	Yes. <i>Sauls v. Hobby</i> , 2020 WL 2763380, at *3 (M.D. Ga. Mar. 18, 2020).

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Kansas <u>Plaintiff:</u> Finch	N/A	Yes. <i>Froelich v. Werbin</i> , 219 Kan. 461, 464, 548 P.2d 482, 484 (1976).	Yes. <i>Froelich v. Werbin</i> , 219 Kan. 461, 464, 548 P.2d 482, 484 (1976).
Kentucky <u>Plaintiff:</u> Rothwell	N/A	Yes. <i>Howard v. Asset Acceptance, LLC</i> , 2013 WL 1760299, at *4 (E.D. Ky. Apr. 24, 2013).	Yes. <i>Howard v. Asset Acceptance, LLC</i> , 2013 WL 1760299, at *4 (E.D. Ky. Apr. 24, 2013).
Maryland <u>Plaintiffs:</u> Kaplan	N/A	Yes. <i>Furman v. Sheppard</i> , 130 Md. App. 67, 73, 744 A.2d 583, 585 (2000).	Yes. <i>Furman v. Sheppard</i> , 130 Md. App. 67, 73, 744 A.2d 583, 585 (2000).
Massachusetts <u>Plaintiff:</u> Shulman	Invasion of privacy based claims must be brought under the state privacy statute. <i>Axford v. TGM Andover Park, LLC</i> , 2021 WL 681953, at *13 (D. Mass. Feb. 22, 2021); Mass. Gen. Laws Ann. ch. 214, § 1B.	Yes. <i>Billing v. Martha's Vineyard Pub. Charter Sch.</i> , 2014 WL 69867, at *5 (D. Mass. Jan. 8, 2014).	Serious or substantial interference with privacy. <i>Cook v. WHDH-TV, Inc.</i> , 1999 WL 1327222, at *5 (Mass. Super. Mar. 4, 1999)
Mississippi <u>Plaintiffs:</u> Spencer Thomas	N/A	Yes. <i>Plaxico v. Michael</i> , 735 So. 2d 1036, 1039 (Miss. 1999)	Yes. <i>Plaxico v. Michael</i> , 735 So. 2d 1036, 1039 (Miss. 1999)
New Jersey <u>Plaintiff:</u> Lebon	N/A	Yes. <i>Stengart v. Loving Care Agency, Inc.</i> , 201 N.J. 300, 316-17, 990 A.2d 650, 660 (2010).	Yes. <i>Stengart v. Loving Care Agency, Inc.</i> , 201 N.J. 300, 316-17, 990 A.2d 650, 660 (2010).

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New York <u>Plaintiffs:</u> Gadero Wallach	Yes. <i>Bonner v. The Bank of New York Mellon</i> , 2016 WL 1426515, at *6 (E.D.N.Y. Feb. 22, 2016), report and recommendation adopted sub nom. <i>Bonner v. Bank of New York Mellon</i> , 2016 WL 1238234 (E.D.N.Y. Mar. 28, 2016).	N/A	N/A
North Carolina <u>Plaintiffs:</u> Vasquez Wrenn	N/A	Yes. <i>Tillet v. Onslow Mem'l Hosp., Inc.</i> , 215 N.C. App. 382, 384, 715 S.E.2d 538, 540 (2011).	Yes. <i>Tillet v. Onslow Mem'l Hosp., Inc.</i> , 215 N.C. App. 382, 384, 715 S.E.2d 538, 540 (2011).
Ohio <u>Plaintiffs:</u> S. Harris Thrower	N/A	Yes. <i>Sustin v. Fee</i> , 69 Ohio St. 2d 143, 145, 431 N.E.2d 992, 993-94 (1982)	Yes. <i>Sustin v. Fee</i> , 69 Ohio St. 2d 143, 145, 431 N.E.2d 992, 993-94 (1982)
Pennsylvania <u>Plaintiff:</u> Judelsohn	N/A	Yes. <i>List v. Jameson Mem'l Hosp.</i> , 2013 WL 11256398, at *4 (Pa. Super. Ct. Aug. 27, 2013).	Yes. <i>List v. Jameson Mem'l Hosp.</i> , 2013 WL 11256398, at *4 (Pa. Super. Ct. Aug. 27, 2013).
Texas <u>Plaintiff:</u> Cuvillier	N/A	Yes. <i>Escamilla v. United States</i> , 2015 WL 12734050, at *7 (W.D. Tex. Jan. 29, 2015).	Yes. <i>Escamilla v. United States</i> , 2015 WL 12734050, at *7 (W.D. Tex. Jan. 29, 2015).
Wisconsin <u>Plaintiff:</u> Allende	Invasion of privacy based claims must be brought under the state privacy statute. <i>Stayart v. Yahoo! Inc.</i> , 651 F. Supp. 2d 873, 886–87 (E.D. Wis. 2009), <i>aff'd</i> , 623 F.3d 436 (7th Cir. 2010); Wis. Stat. Ann. § 995.50.	Yes. <i>Fox v. Iowa Health Sys.</i> , 399 F. Supp. 3d 780, 797 (W.D. Wis. 2019).	Yes. Wis. Stat. Ann. § 995.50